

REMARKS

Claims 1 - 20 remain active in this application and have been indicated as allowable pending resolution of a rejection of claims 1 and 14 for obviousness-type double patenting. The amendment to claim 14 proposed in the response filed June 15, 2006, has been withdrawn. No new matter has been introduced into the application.

The Advisory Action of July 3, 2006, asserts that the proposed change in terminology in claim 14 raises a new issue. It is respectfully submitted that such is not the case since claim 14 recites the "load" to be a constituent element of the "electrical device". However, to render the Examiner's assertion moot, terminology of claim 14 has been restored to the language of the claim as finally rejected. Nevertheless, the proposed language is believed to be appropriate and authorization is hereby given for an Examiner's amendment to implement the proposed amendment, now withdrawn.

Claims 1 and 14 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claim 1 of copending (CIP) application 11/018,920. This sole ground of rejection in this application is again respectfully traversed for the reasons of record and as being moot in view of the concurrently filed terminal disclaimer.

Notwithstanding the Examiner's improper assertion of inherency in the Advisory Action of July 3, 2006, and which, it is respectfully submitted does not answer the claim language as previously pointed out in the response filed June 15, 2006. For an assertion of inherency to be proper (an then only for purposes of 35 U.S.C. §102), the subject matter asserted to be inherent must necessarily flow from that which is disclosed and the existence of an

alternative logically defeats such an assertion. It is respectfully pointed out that many devices are known such as an analog amplifier where the power requirements may vary greatly in a given mode of operation and, conversely, devices are known such as a variable radix counter where power requirements would not vary significantly between different operational modes. Therefore, a current sensor does not necessarily or inherently reflect or provide information concerning operational mode of a device but only the current level drawn by the device (which, in the present claims, is inferred from the operational mode information) and, accordingly, the Examiner's assertion of inherency is respectfully submitted to be improper.

Rather, it is respectfully submitted that the real issue is one of breadth since the present claims may comprehend the scope of claim 1 in the copending application and it is respectfully submitted that the more restricted claims in the copending continuation-in-part application and the broader claims in this earlier filed parent application are completely proper and appropriate. Viewed from this perspective, it is abundantly evident that the rejection of claims 1 and 14 for obviousness-type double patenting is clearly in error.

Nevertheless, to expedite the resolution of this issue, a terminal disclaimer directed to S.N. 11/018,920 is concurrently filed herewith. Such a terminal disclaimer is respectfully submitted to be a full and complete response to the sole ground of rejection of record and is necessarily adequate to overcome a rejection for obviousness-type double patenting since it necessarily removes any issue of the public interest in regard to the two applications. Thus, since a terminal

disclaimer is now of record, the issue is moot and withdrawal of this sole ground of rejection is respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is *prima facie* in condition for allowance and such action is therefore respectfully requested.

A petition for a one-month extension of time has been made above. If any further extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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